

Senate Bill No. 680

Passed the Senate May 23, 2005

Secretary of the Senate

Passed the Assembly September 8, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 10 (commencing with Section 100700) to Part 12 of Division 10 of the Public Utilities Code, and to add Section 9250.6 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 680, Simitian. Congestion management and transportation improvements: Santa Clara Valley Transportation Authority.

Existing law creates the Santa Clara Valley Transportation Authority with various powers and duties relative to transportation planning, programming, and services. Existing law provides for the imposition by air districts and certain other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles.

This bill would authorize the Santa Clara Valley Transportation Authority, by a 2/3 vote of its board, to impose an annual fee of up to \$5 on each motor vehicle registered within Santa Clara County for a program for the management of traffic congestion and for specified street, road, expressway, highway, and transit purposes, commencing on July 1, 2006. The bill would require a program with performance measures and a budget before the fee may be imposed, and the program would also require a 2/3 vote of the board for adoption as part of the resolution imposing the fee. The bill would require the authority to have an independent audit conducted annually on the program and to provide a specified report to the Legislature. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the authority. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the persons paying the fee, and would require the board of directors of the authority to make a specified finding of fact by a 2/3 vote. The fee would terminate on July 1, 2014.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 100700) is added to Part 12 of Division 10 of the Public Utilities Code, to read:

CHAPTER 10. CONGESTION MANAGEMENT FEE

100700. The authority may impose a fee of not to exceed five dollars (\$5) on each motor vehicle registered within Santa Clara County. The authority may impose the fee only if the board of directors adopts a resolution, by a two-thirds vote, providing both for the fee and a corresponding program for the management of traffic congestion and the construction and improvement of specific streets, roads, expressways, highways, and transit improvements within the county, as set forth in this chapter. This resolution shall include a finding of fact that the projects and programs to be funded by the fee have a relationship or benefit to the persons who will be paying the fee. Adoption of the fee, the program, and the finding of fact relative to relationship or benefit of the fee to the persons who will be paying the fee shall all require a two-thirds vote of the board.

100701. A fee imposed by the authority pursuant to Section 100700 shall not become operative until July 1, 2006, and shall terminate on July 1, 2014, unless reauthorized by the Legislature.

100702. (a) The fee revenue received by the authority pursuant to Section 9250.6 of the Vehicle Code shall be used for purposes of congestion management and construction and improvement of streets, roads, expressways, and highways within Santa Clara County, as specified in the county's congestion management program adopted pursuant to Section 65089 of the Government Code, and transit improvements parallel to congested highway corridors as specified in the Caltrain Joint Powers Board Rapid Rail Program. The fee revenue shall not be used for litter control or pickup purposes. The purpose of the congestion management program is to address the problem of motor vehicle congestion. Not more than 1 percent of the fee revenue received by the authority shall be used for administrative costs of the authority in administering this chapter. The costs incurred by the Department of Motor Vehicles in collecting the

fee pursuant to Section 9250.6 of the Vehicle Code shall not be counted toward that administrative cost limitation.

(b) The fee revenue received by the authority shall be used to pay for projects or programs with a relationship or benefit to the persons that are paying the fee.

100703. Prior to the imposition of the fee pursuant to Section 100700, the board of directors shall adopt a specific program for expenditure of fee revenues, with performance measures and a budget. The program shall be adopted by the board of directors at a noticed public hearing.

100704. The authority shall arrange for an independent audit to be conducted annually on the specific program adopted pursuant to Section 100703, with the auditor's review and report to be provided annually to the board of directors at a noticed public hearing.

100705. The authority shall provide a report to the Legislature on the specific program adopted pursuant to Section 100703 by July 1, 2013. The report shall include, but not be limited to, an evaluation of the impact and performance of the congestion measures and improvements funded by the fee and the cost effectiveness of those congestion measures and improvements.

SEC. 2. Section 9250.6 is added to the Vehicle Code, to read:

9250.6. (a) The department shall, if requested by the Santa Clara Valley Transportation Authority, collect the fee imposed pursuant to Section 100700 of the Public Utilities Code upon the registration or renewal of registration of any motor vehicle registered in the County of Santa Clara, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(b) The authority shall pay for the initial setup and programming costs identified by the Department of Motor Vehicles through a direct contract with the department. Any direct contract payment by the authority shall be repaid, with no restriction on the use of funds, to the authority as part of the initial revenues distributed pursuant to subdivision (c).

(c) After deducting all nonreimbursed costs incurred by the department pursuant to this section, the department shall distribute the revenues to the authority.

Approved _____, 2005

Governor